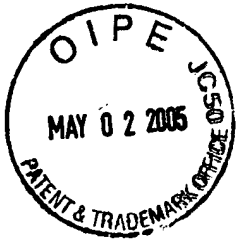


05-04-05

IFW/4



PATENT

Customer No. 22,852

Attorney Docket No. 9131.0018-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
WAITE, James W. et al.) Group Art Unit: 2857
)
Serial No.: 10/622,376) Examiner: TSAI, Carol S. W.
)
Filed: July 18, 2003)
) Confirmation No.: 4368
For: METHOD AND APPARATUS FOR)
DIGITAL DETECTION OF)
ELECTROMAGNETIC SIGNAL)
STRENGTH AND SIGNAL DIRECTION)
IN METALLIC PIPES AND CABLES)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT AND
APPLICANTS STATEMENT OF INTERVIEW SUMMARY

In a restriction requirement dated January 31, 2005, the period for response having been extended to April 30, 2005 (a Saturday) by a request for extension of three months. The Examiner required restriction under 35 U.S.C. § 121 between Group I, the species best illustrated by claims 1-37, and Group II, the species best illustrated by claims 38-49. Applicants provisionally elect to prosecute Group I, claims 1-37, with traverse.

In response to a telephone conversation with the Examiner on December 8, 2004, with the undersigned. A written restriction requirement was requested with hope of obtaining the Examiner's reasoning for this restriction. However, the Examiner restricted the claims with no reasons for the distinction between the claims being given.

The Examiner has not met the burden of identifying the reasons for this restriction requirement. As is stated in the MPEP, “Examiners must provide reasons and/or examples to support conclusions . . .” MPEP 803.01. As explained in the MPEP, “[f]or purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate statutes in the art, or a different field of search as defined in MPEP § 806.04(a) - § 806.04(i) and § 808.01(a).” MPEP 803.01. The Examiner has done none of this, simply stating that the claims are split into two species with no further explanation.

Further, a simply comparison of claim 1 (from “species I”) and claim 38 (from “species II”) illustrate that they are related and that no extra searching is required for claim 38 over that done for claim 1. Claim 1 recites:

A locator receiver, comprising:
at least one processing channel including an
electromagnetic field detector, an analog processor coupled to
receive signals from the electromagnetic field detector, and a
digital processor coupled to receive signals from the analog
processor and calculate a signal strength parameter and a
modulated signal,
wherein the digital processor includes an analog-to-digital
converter, a digital phase-locked loop coupled to receive the output
signal from the analog-to-digital converter and provide the signal
strength parameter, and a nested digital phase-locked loop coupled
to the phase-locked loop to provide the modulated signal.

Claim 38 recites:

A locator receiver, comprising:
a first digital phase-locked loop with a first numerically
controlled oscillator coupled to receive a signal and provide a first
phase related to a first frequency; and
a second digital phase-locked loop with a second
numerically controlled oscillator coupled to receive the signal and
provide a second phase related to a second frequency.

In fact, it appears that claim 38 is generic to claim 1. Both claims include limitations to nested digital phase-locked loops in a locator receiver while claim 1 includes further processing limitations.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 2, 2005

By: 

Gary J. Edwards
Reg. No. 41,008

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